

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-4302

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

BETTY KAY JONES,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. Margaret B. Seymour, District Judge. (CR-01-695)

Submitted: August 22, 2003

Decided: September 10, 2003

Before WIDENER, MICHAEL, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Benjamin T. Stepp, Assistant Federal Public Defender, Greenville, South Carolina, for Appellant. Kevin Frank McDonald, OFFICE OF THE UNITED STATES ATTORNEY, Greenville, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Betty Kay Jones pled guilty to conspiracy to possess or utter counterfeit obligations of the United States, in violation of 18 U.S.C. § 371 (2000), 18 U.S.C.A. § 472 (West Supp. 2003). The district court sentenced her to six months in prison. Jones' counsel has filed a brief in accordance with Anders v. California, 386 U.S. 738 (1967), stating that, in his view, there are no meritorious grounds for appeal. However, he raises the issues of whether the district court complied with Rule 11 of the Federal Rules of Criminal Procedure in accepting Jones' guilty plea, and whether the district court erred in sentencing Jones to six months in prison. Although notified of her right to do so, Jones has not filed a pro se supplemental brief. Finding no reversible error, we affirm.

After reviewing the transcript of the plea proceeding, we conclude that the district court fully complied with the requirements of Rule 11 in accepting Jones' guilty plea. Turning to the sentencing issue, we find that we have no authority to review the district court's decision to sentence Jones to six months in prison because this sentence is within the properly calculated guidelines range and is below the statutory maximum sentence of five years. See 18 U.S.C. § 371 (setting forth statutory maximum); United States v. Porter, 909 F.2d 789, 794 (4th Cir. 1990) (finding challenge to court's exercise of discretion in

setting a sentence within a properly calculated guidelines range not addressable on appeal).

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore affirm Jones' conviction and sentence. This court requires that counsel inform his client, in writing, of her right to petition the Supreme Court of the United States for further review. If the client requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on the client.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED